

REMARKS

By this amendment, claims 5-7, 18-19, 21-22, and 27-35 have been amended.

Claims 5-7, 18-19, 21-24, and 27-35 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 5-7, 18-19, 21-22, and 27-35 have been amended to correct grammatical and typographical errors, and should not require further consideration or search.

Claims 5-7 and 18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending U.S. Patent Application Serial No. 10/921,256 (the '256 application). Claims 5-7 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 6-7 of copending U.S. Patent Application Serial No. 11/435,872 (the '872 application).

The present application is the earlier-filed of the cited applications. The '256 application was filed August 19, 2004, and the '872 application was filed May 8, 2006, both of which are after the March 3, 2004, filing date of the present application. "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." M.P.E.P. § 804(I)(B)(1) (emphasis added).

In addition, according to PAIR, the current status of the '256 application is abandoned. Accordingly, the rejection of the present application over the '256 application is now moot.

As such, Applicants respectfully request that the double patenting rejections be withdrawn, and the claims allowed.

Claims 31-35 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 31-35 have been amended to address the concerns raised in the Office Action. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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